

EXHIBIT 15

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Case No. 5:20-cv-03664-LHK

Plaintiffs,

V.

GOOGLE LLC,

Defendant,

**DEFENDANT'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS' FIFTH SET OF REQUESTS FOR ADMISSION (NOS. 52-55)**

Pursuant to Federal Rules of Civil Procedure Rule 36, Defendant Google LLC (“Google”) hereby responds and objects to Plaintiffs’ Fifth Set of Requests for Admission (Nos. 52-55). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Google’s knowledge, investigations, and analysis to date. As discovery proceeds, Google may become aware of additional facts or evidence and its analysis of the case may change. Google reserves all rights to supplement and amend its objections and responses accordingly.

GENERAL OBJECTIONS

The following objections apply to each and every Request for Admission (“Request”) propounded by Plaintiffs and are incorporated into each of the specific objections by reference as if set forth fully therein:

1. Google has not completed its investigation or discovery in this litigation. Google's Responses and Objections to Plaintiffs' Requests are based upon the information presently known to Google and are given without prejudice to Google's right to adduce or analyze evidence subsequent to the date of these responses. Google expressly reserves the right to revise, supplement,

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1 or otherwise amend these Responses and Objections to the extent permitted by the Federal Rules of
2 Civil Procedure, the Local Rules of Practice and Procedure for the United States District Court for
3 the Northern District of California (“Civil Local Rules”), or any discovery orders governing this
4 case.

6 2. Google objects to the Requests to the extent that they seek information shielded from
7 disclosure by the attorney-client privilege, the work-product doctrine, the settlement privilege
8 and/or any other applicable privilege or protection from discovery.

9 3. Google objects to the Requests to the extent they assume facts or legal conclusions
10 in defining the information requested. Google hereby denies any such disputed facts or legal
11 conclusions to the extent assumed by each request for admission. Any information provided by
12 Google with respect to any such request is without prejudice to this objection.

14 4. Google objects to the definition of “BROWSER,” as it is overly broad and unduly
15 burdensome, as it encompasses browsers that are not related to any claims or defenses in this case.
16 In its responses below, Google uses the term “BROWSER” to only refer to the Chrome browser or
17 Chrome app.

18 5. In making these objections, Google does not waive or intend to waive (a) any
19 objections as to the competency, relevance and admissibility of any information that may be
20 provided in response to these Requests, or the subject matter thereof; (b) any rights to object on any
21 ground to the use of any information that may be provided in response to the Requests, or the subject
22 matter thereof, in any subsequent proceedings, including trial of this or any other action; and (c) any
23 rights to object on any ground to any request for further responses to this or any discovery request.
24

REQUESTS FOR ADMISSION

26 Subject to the foregoing objections, Google objects and responds to Plaintiffs' Requests for
27 Admission as follows:

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REQUEST FOR ADMISSION NO. 52:

Prior to and since June 1, 2016, at least some Google AdSense tags (e.g., adsbygoogle.js; show_ads.js; AMP“Fast Fetch”; AMP”Delayed Fetch” (*see* GOOG-CABR-04147060 at -65)) cause a user’s BROWSER to transmit to GOOGLE the URL of the specific webpage that a user is requesting while communications are in transit between the user’s BROWSER and the website’s server.

RESPONSE TO REQUEST FOR ADMISSION NO. 52:

In addition to its General Objections, Google specifically objects to the phrases “URL of the specific webpage” and “while communications are in transit between the user’s BROWSER and the website’s server” as vague and ambiguous. Subject to the foregoing objections, Google admits that if a user visits a webpage that includes at least some of the identified Google AdSense tags, those tags will cause the user’s browser to attempt to transmit to Google the URL of the webpage that a user is currently visiting. Except as expressly admitted, Google denies this Request.

REQUEST FOR ADMISSION NO. 53:

As part of GOOGLE’S efforts to “detect Chrome Incognito mode” through “log-based analysis” (e.g., GOOG-BRWN-00204684), GOOGLE quantified the rate of false positives within its analyses (i.e., log entries that would appear to reflect information from Chrome Incognito browsing but that do not actually reflect Chrome Incognito browsing information).

RESPONSE TO REQUEST FOR ADMISSION NO. 53:

In addition to its General Objections, Google specifically objects to this Request on the ground that it is vague, and states a general proposition with respect to a nuanced topic that turns on circumstances that are not specified in the Request. Google admits that, in attempting to perform a logs-based analysis of the rate of Chrome Incognito usage, Google engineers observed differences in statistics collected from multiple independent sources, including data available to Chrome

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1 engineers and data available to Ads engineers. Based on those differences, Google engineers
 2 attempted to estimate a rate of false positives in its methodology to detect Chrome Incognito traffic
 3 based on Ads data sources. Google denies that it “quantified the rate of false positives within its
 4 analysis.” Google otherwise denies this Request.

5 **REQUEST FOR ADMISSION NO. 54:**

6 For the Class Period, GOOGLE cannot identify any non-GOOGLE website that obtained or
 7 obtains consent from users for GOOGLE to collect users’ browsing information directly from their
 8 own BROWSERS (as opposed to from the website).

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 54:**

10 Denied.

11 **REQUEST FOR ADMISSION NO. 55:**

12 For the Class Period, GOOGLE cannot identify any non-GOOGLE website that expressly
 13 informed or informs users that GOOGLE collects their browsing information within a private
 14 browsing session, including Chrome Incognito.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 55:**

16 Denied.

17 DATED: January 20, 2022

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PROOF OF SERVICE

LOS ANGELES, CA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in Los Angeles, CA. My business address is 865 S. Figueroa St., 10th Floor, Los Angeles, CA, 90017.

On January 20, 2022, I served true copies of the following document(s) described as **DEFENDANT'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' FIFTH SET OF REQUESTS FOR ADMISSION (NOS. 52-55)** on the interested parties in this action as follows:

SEE ATTACHED LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I transmitted PDF format copies of the document(s) described above to the e-mail addresses on the attached Service List pursuant to the agreement between the parties to serve discovery, in lieu of other service methods, by email under Fed. R. Civ. P. 5(b)(2)(E) (see Joint Case Management Statement § 8.b, Dkt. 44) and on non-parties pursuant to the Court's August 12, 2021 Cross-use and Discovery Coordination Orders issued in *Brown v. Google LLC*, Case No. 5:20-cv-03664-LHK-SVK (Dkt. 243) and *Calhoun v. Google*, Case No.: 5:20-cv-05146-LHK-SVK (Dkt. 263). The documents were transmitted by electronic transmission and such transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 20, 2022 at Los Angeles, CA.

/s/ Marie Hayrapetian

Marie Hayrapetian

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1 **SERVICE LIST**

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3 *Case No. 5:20-cv-03664-LHK-SVK*

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